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January 22, 2025

The Honorable Maria Hernandez
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

RE: City of San Juan Capistrano Response to Orange County Grand Jury Report Letter Dated January 2, 2025, “Talking Trash: Recyclables and Organic Waste”

Dear Honorable Judge Hernandez:

Thank you for your letter dated January 2, 2025, regarding the Grand Jury Report entitled “Talking Trash: Recyclables and Organic Waste.” This letter revises the City of San Juan Capistrano’s responses to Findings 1, 2, 3, 4, 5, 9 and 10 as follows:

FINDINGS F1, F2, F3, F4, F5, F9 and F10:

F1 *The majority of Orange County jurisdictions have not yet required their haulers to distribute residential containers that meet the CalRecycle standardized colors, leaving legacy and often incorrect or illegible labeling and embossing in place.*

City Response: The respondent disagrees wholly or partially with the finding. The City’s Franchise Hauler Agreement effective July 1, 2020, Exhibit I Container/Bin Specifications requires the contractor to provide carts in colors and labeling that meet SB 1383 regulatory requirements. Labeling in English and Spanish was completed in 2020 and any new containers are being transitioned to the SB 1383 color regulations with all containers transitioning by January 1, 2036, to comply with SB 1383.

F2 *While a jurisdiction may not delegate its overall responsibility for compliance with State requirements to a hauler, some jurisdictions have designated the task of imposing and collecting fines from residents to the hauler in accordance with State law. However, not all jurisdictions are clear on who ultimately receives and retains the collected fines.*

City Response: The respondent disagrees wholly or partially with the finding. The City’s franchise hauler may collect contamination fees after the 3rd offense and subsequent offenses within a one-year period. These fees are retained by the hauler. Other fines, assessed in accordance with the City of San Juan Capistrano’s Municipal Code, are collected, received and retained by the City.

F3 *All jurisdictions will eventually start collecting fines from residents for non-compliance, but some have not yet determined whether the revenues will go into a waste and recycling enterprise fund or into the jurisdiction's general fund.*

City Response: The respondent disagrees wholly or partially with the finding. Should fines be required from residents for non-compliance, the revenues will likely go into the City's General Fund.

F4 *In most jurisdictions, education and outreach is a joint effort between jurisdiction, hauler, and sometimes consultants, with the jurisdiction reviewing the materials before publication. The methods of dissemination vary by jurisdiction and hauler but frequently rely on a resident actively seeking the information, which requires the resident to have some awareness of the new mandates in the first place. Most efforts primarily revolve around intermittent hard-copy paper mailings.*

City Response: The respondent disagrees wholly or partially with the finding. The City actively attends and disseminates information regarding SB1383 compliance and proactively distributes materials in both hard copy and electronic formats. An active education and outreach plan is also outlined in the franchise hauler agreement.

F5 *Most jurisdictions currently have no way to accurately determine the effectiveness of their respective education and outreach efforts other than the eventual inspections or audits that will take place.*

City Response: The respondent disagrees wholly or partially with the finding. The City has distributed surveys to businesses in San Juan Capistrano and also engaged in direct one-to-one outreach at various public events. The Franchise Hauler provides a tracking record and monitoring of services to ensure engagement with residents and the City's Recycling Consultant is also engaged in direct contact with businesses to ensure awareness with SB 1383 requirements.

F9 *Many Orange County jurisdictions were unable to meet the requirement in SB 1383 to reduce organic waste sent to landfills by the 2020 deadline. It is unlikely the required seventy-five percent reduction will be achieved by the 2025 deadline.*

City Response: The respondent agrees with the finding.

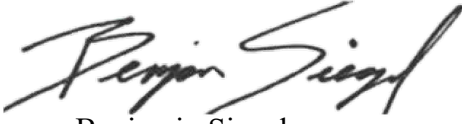
F10 *The current procurement requirements mandated by SB 1383 are unrealistic and likely unachievable by most jurisdictions.*

City Response: The respondent agrees with the finding.

Thank you for the opportunity to respond to the Grand Jury report. If you have any questions, please feel free to contact me at (949) 443-6314.

January 21, 2025

Sincerely,

A handwritten signature in black ink that reads "Benjamin Siegel". The signature is written in a cursive, flowing style.

Benjamin Siegel
City Manager

cc: Orange County Grand Jury, 700 Civic Center Drive West, Santa Ana, CA 92701
San Juan Capistrano City Council